

ESTTA Tracking number: **ESTTA154232**

Filing date: **08/01/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	French Connection Limited
Granted to Date of previous extension	08/29/2007
Address	39 Camden StreetCentro One London, NW1 0DX UNITED KINGDOM
Attorney information	Allen L. Greenberg Duane Morris LLP 1180 West Peachtree StreetSuite 700 Atlanta, GA 30309-3448 UNITED STATES algreenberg@duanemorris.com Phone:404.253.6900

### Applicant Information

Application No	77003918	Publication date	05/01/2007
Opposition Filing Date	08/01/2007	Opposition Period Ends	08/29/2007
Applicant	D&T DOWD&TAHA CO.,INC. 15WEST 29TH STREET, SUITE#4N NEW YORK, NY 10001 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Balloon pants; Bed jackets; Camp shirts; Capri pants; Cargo pants; Denim jackets; Denims; Down jackets; Dress shirts; Fishermen's jackets; Golf shirts; Heavy jackets; Jackets; Jogging pants; Knit shirts; Leather pants; Long jackets; Men and women jackets, coats, trousers, vests; Night shirts; Non-disposable cloth training pants; Nurse pants; Open-necked shirts; Pants; Petti-pants; Pique shirts; Pleated skirts for formal kimonos (hakama); Polo shirts; Rain jackets; Shirt fronts; Shirt yokes; Shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Ski pants; Skirt suits; Skirts; Skirts and dresses; Sleep shirts; Sleeved or sleeveless jackets; Smoking jackets; Snow pants; Snowboard pants; Sport shirts; Sports jackets; Sports shirts; Sports shirts with short sleeves; Suede jackets; Sweat pants; Sweat shirts; T-shirts; Tap pants; Toboggan hats, pants and caps; Track pants; Waterproof jackets and pants; Wind resistant jackets; Wind shirts; Wind-jackets

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2920270	Application Date	04/06/1998
Registration Date	01/25/2005	Foreign Priority Date	NONE
Word Mark	FCUK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: Articles made wholly or principally of leather or of imitation leather, namely, trunks, traveling bags, luggage, handbags, purses, key-cases, wallets, briefcases, garment bags for travel, attache' cases, checkbook holders, passport holders, credit card holders, umbrellas, parasols, holdalls, shoulder bags and securing straps</p> <p>Class 025. First use: Articles of clothing, namely, suits, jackets, trousers, overcoats, socks, hosiery, sleepwear, rainwear, shorts, shirts, frocks, dresses, blouses, jerseys, parkas, sweaters, waistcoats, skirts, headwear, gloves, footwear, T-shirts, sweatshirts, scarves, ties, clothing belts, cravats, shawls, bath robes, swimwear, jeans and tuxedos</p>		

U.S. Registration No.	2520614	Application Date	12/14/1998
Registration Date	12/18/2001	Foreign Priority Date	NONE
Word Mark	FCUK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1995/10/00 First Use In Commerce: 1995/10/00 PERFUME, TOILET WATER AND COLOGNE		

U.S. Registration No.	2772903	Application Date	06/28/2000
Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	FCUK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: SPECTACLES, SUNGLASSES, AND ACCESSORIES THEREOF, NAMELY, CASES, FRAMES, LENSES, EARSTEMS, CHAINS, NOSE PADS, AND PARTS AND FITTINGS THEREOF; CLIP-ON SUNGLASSES, ANTI-GLARE EYEGLASSES, SAFETY GOGGLES, AND EYEGLASSES, NAMELY, PINCE-NEZ TYPE EYEGLASSES AND PARTS AND FITTINGS THEREOF</p> <p>Class 014. First use: HOROLOGICAL INSTRUMENTS AND APPARATUS, NAMELY, WATCHES AND PARTS AND FITTINGS THEREOF; WATCH BANDS, WATCH CHAINS,</p>		

WATCH STRAPS, AND PARTS AND FITTINGS THEREOF			
U.S. Registration No.	2766727	Application Date	05/02/2001
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	FCUK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use:</p> <p>Hand Tools and implements, namely, shovels, scoops, spades, garden weeding forks, trowels, hoes, pickaxes, crowbars, hammers, foundry ladles, rakes, hand-operated shears and pruning shears, secateurs, edging knives, hooks, pruning saws, files, saws, pliers, pincers, ice picks, screwdrivers, chisels, hand-operated drills, and wrenches; fire irons; manicure sets; pedicure sets; nail files; scissors; tweezers; pen knives; cutlery, namely, razors, razor blades, scissors, non-electric can openers; tableware, namely; knives, forks, spoons; kitchen-knives; mincing knives; chopsticks; hand-operated kitchen implements, namely, slicers for serving food, meat choppers, vegetable choppers, vegetable shredders, and vegetable slicers; nutcrackers not of precious metal; oyster openers; and parts and fittings for all the aforesaid goods</p> <p>Class 011. First use:</p> <p>Apparatus and instruments for lighting, namely, electric lighting fixtures, lamps, switches, electric light-bulbs, floor lamps, reading lamps, table lamps, spot lamps, floodlights, gas lamps, electric candelabra, light diffusers, oil-lamps, lamp shades, lamp shade holders, and parts and fittings for all the aforesaid goods</p> <p>Class 016. First use:</p> <p>writing instruments and cases therefore; folders; diaries; calendars; photographs; photograph albums; prints; framed prints; ornamental paper card and paper mache; personal organizers; covers for books; covers for personal organizers and address books; stationery; wrapping and packaging materials, namely, paper for wrapping and packaging, plastic sheets for wrapping and packaging, cardboard for packaging purposes in sheet form for stiffening and for protection of goods in transit, cardboard boxes and containers for packaging purposes, cardboard boxes for packaging gifts or personal effects, and plastic bubble packs for wrapping and packaging; bags, namely, paper garbage bags, grocery bags, lunch bags, merchandise bags, paper gift bags, paper shopping bags, plastic shopping bags, plastic garbage bags, paper and plastic bags for household use</p> <p>Class 020. First use:</p> <p>Furniture for household purposes; mirrors; picture frames; plastic boxes; shelves; non-metal bins for rubbish and for waste-paper; clothes hangers; coat hangers; non-metal clothing storage racks with accompanying rails and stands sold as a unit; kitchen storage racks; cushions; window blinds; furniture and all the aforesaid goods composed of wood, cork, reed, cane, wicker, plastic and substitutes for all these materials; parts and fittings for all the aforesaid goods</p> <p>Class 021. First use:</p> <p>Containers for household and kitchen use not of precious metal; cast stone containers for household use and for garden use; containers for food; porcelain and earthenware goods, namely, cups, mugs, general dishes, saucers, soup tureens, serving dishes, serving and kitchen ladles, door-knobs, figures, figurines, busts, basins, jars for jams and jellies, sculptures, and statues and statuettes; meal trays; candlesticks not of precious metal; cast-iron cookware, namely, skillets, grill pans, Dutch ovens, griddles drop biscuit pans, cornbread</p>		

	<p>skillets, and fish pans; cups; plates; dishes in general; serving bowls; serving dishes; mixing bowls; mugs; bake wear, namely, cookie sheets, cake pans, sheet pans, loaf pans, standard and mini muffin pans, springform pans, pizza pans, heart-shaped pans, fluted pans, meatloaf pans, angel food pans, roaster pans, mini loaf pans, bake pans; saucepans; frying pans; glassware, namely, beverage glassware, glass plates, glass dishes, glass mugs; salt and pepper mills and shakers; cork screws; bottle openers; egg cups; boxes for dispensing paper towels; thermal insulated containers and wraps for beverage and food bottles; spatulas; barbecue tongs; cooking skewers; parts and fittings for all the aforesaid goods; all of the above made wholly or partially of ceramics</p> <p>Class 024. First use:</p> <p>Textile and textile goods, namely, household linen, bed linen, bath linen, place mats, unfitted fabric furniture covers, blanket throws, towels, travelling rugs, textile wall hangings, and adhesive fabric for application by heat; bed covers, namely, bed spreads and duvet covers; table covers, namely, table linen, fabric table toppers, and fabric table runners; table mats not of paper; table linen coasters; table linen, namely, napkins; wash cloths; curtain fabric, finished curtains, handkerchiefs</p> <p>Class 027. First use:</p> <p>Carpets and rugs; wallpaper; wall hangings not of textile; mats and matting, namely, plastic bath mats, reed mats, rubber mats, straw mats, textile floor mats for use in the home; floor coverings, namely, hard surface coverings for floors, resilient hard surface coverings for floors and walls, and vinyl floor coverings</p>
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U.S. Registration No.	3102906	Application Date	04/18/2003
Registration Date	06/13/2006	Foreign Priority Date	03/17/2003
Word Mark	FCUK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use:</p> <p>Clocks, watches, watch straps and cases; articles made of precious metal or coated therewith, namely, necklaces, bracelets, broaches, earrings, cuff links, tie pins, nose rings; jewelry</p> <p>Class 028. First use:</p> <p>Toys, games and playthings, namely, board games, card games, bean bags; gymnastic and sporting articles, namely, soccer balls, volleyballs, rugby balls, batting gloves, baseball gloves, softball gloves, golf bags, head covers for golf clubs; surfboards, bags adapted to carry surfboards, surfboards with sails</p> <p>Class 035. First use:</p> <p>Retail department store services featuring a wide variety of consumer goods of others; retail store services featuring a wide variety of consumer goods of others; retail home furnishing store; catalogue mail order services and on-line retail services all featuring a wide variety of consumer goods of others</p>		

U.S. Registration No.	3128692	Application Date	06/11/2004
Registration Date	08/15/2006	Foreign Priority Date	03/25/2004
Word Mark	FCUK		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2004/03/25 First Use In Commerce: 2004/03/25 Advertising and promotional services and information services relating thereto, namely, dissemination of advertising and promotional materials; distribution of advertising materials, namely samples and promotional items; rental of advertising and promotional space; advertising agencies, namely, promoting the goods and services of others; providing radio and television advertising and commercials for others; advertising and promotion services and related consulting</p> <p>Class 038. First use: First Use: 2004/03/25 First Use In Commerce: 2004/03/25 Radio and television broadcasting; electronic mail services; electronic transmission of messages and data by telephone and facsimile; telegram transmission; telephone and mobile telephone communications services; communications via computer terminals; satellite transmission services; and telecommunications consultation</p>

U.S. Registration No.	2910253	Application Date	05/02/2001
Registration Date	12/14/2004	Foreign Priority Date	03/06/2001
Word Mark	FCUK AT HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: Hand tools and implements, namely, shovels, scoops, spades, garden weeding forks, trowels, hoes, pickaxes, crowbars, hammers, foundry ladles, rakes, hand-operated shears and pruning shears, secateurs, edging knives, hooks, pruning saws, files, saws, pliers, pincers, ice picks, screwdrivers, chisels, hand-operated drills, and wrenches; fire irons; manicure sets; pedicure sets; nail files; scissors; tweezers; pen knives; cutlery, namely, razors, razor blades, scissors, non-electric can openers; tableware, namely, knives, forks, spoons; kitchen-knives; mincing knives; chopsticks; hand-operated kitchen implements, namely, slicers for serving food, meat choppers, vegetable choppers, vegetable shredders, and vegetable slicers; nutcrackers not of precious metal; oyster openers; and parts and fittings for all the aforesaid goods</p> <p>Class 011. First use: Apparatus and instruments for lighting, namely, electric lighting fixtures, lamps, switches, electric light-bulbs, floor lamps, reading lamps, table lamps, spot lamps, floodlights, gas lamps, electric candelabra, light diffusers, oil lamps, lamp shades, lamp shade holders, and parts and fittings for all the aforesaid goods</p> <p>Class 016. First use: writing instruments and cases therefore; folders; diaries; calendars; photographs; photograph albums; prints; framed prints; ornamental paper card and paper mache; personal organizers; covers for books; covers for personal organizers and address books; stationery; wrapping and packaging materials, namely, paper for wrapping and packaging, plastic sheets for wrapping and packaging, cardboard for packaging purposes in sheet form for stiffening and for protection of goods in transit, cardboard boxes and containers for packaging purposes, cardboard boxes for packaging gifts or personal effects, and plastic bubble packs for wrapping and packaging; bags, namely, paper garbage bags, grocery bags, lunch bags, merchandise bags, paper gift bags, paper shopping bags, plastic shopping bags, plastic garbage bags, paper and plastic bags for household use</p>		

	<p>Class 020. First use:</p> <p>Furniture for household purposes; mirrors, picture frames; plastic boxes; shelves; non-metal bins for rubbish and for waste-paper; clothes hangers; non-metal clothing storage racks with accompanying rails and stands sold as a unit; kitchen storage racks; cushions; window blinds; furniture and all the aforesaid goods composed of wood, cork, reed, cane, wicker, plastic and substitutes for all these materials; parts and fittings for all the aforesaid goods</p> <p>Class 021. First use:</p> <p>Containers for household and kitchen use not of precious metal; cast stone containers for household use and for garden use; containers for food; porcelain and earthenware goods, namely, cups, mugs, general dishes, saucers, soup tureens, serving dishes, serving and kitchen ladles, door-knobs, figures, figurines, busts, basins, jars for jams and jellies, sculptures, and statues and statuettes; meal trays; candlesticks not of precious metal; cast-iron cookware, namely, skillets, grill pans, Dutch ovens, griddles drop biscuit pans, cornbread skillets, and fish pans; cups; plates; dishes in general; serving bowls; serving dishes; mixing bowls; mugs; bake wear, namely, cookie sheets, cake pans, sheet pans, loaf pans, standard and mini muffin pans, springform pans, pizza pans, heart-shaped pans, fluted pans, meatloaf pans, angel food pans, roaster pans, mini loaf pans, bake pans; saucepans; frying pans; glassware, namely, beverage glassware, glass plates, glass dishes, glass mugs; salt and pepper mills and shakers; cork screws; bottle openers; egg cups; boxes for dispensing paper towels; thermal insulated containers and wraps for beverage and food bottles; spatulas; barbecue tongs; cooking skewers; parts and fittings for all the aforesaid goods; all of the above made wholly or partially of ceramics</p> <p>Class 024. First use:</p> <p>Textile and textile goods, namely, household linen, bed linen, place mats, unfitted fabric furniture covers, blanket throws, towels, travelling rugs, textile wall hangings, and adhesive fabric for application by heat; bed covers, namely, bed spreads and duvet covers; table covers, namely, table linen, fabric table toppers, and fabric table runners; table mats not of paper; table linen coasters; table linen, namely, napkins; wash cloths; curtain fabric, finished curtains, handkerchiefs</p> <p>Class 027. First use:</p> <p>Carpets and rugs; wallpaper; wall-hangings not of textile; mats and matting, namely, plastic bath mats, reed mats, rubber mats, straw mats, textile floor mats for use in the home; floor coverings, namely, hard surface coverings for floors, resilient hard surface coverings for floors and walls, and vinyl floor coverings</p>
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Attachments	76079959#TMSN.gif ( 1 page )( bytes ) 78433628#TMSN.jpeg ( 1 page )( bytes ) Notice.of.Opp.pdf ( 4 pages )(337591 bytes )
Signature	/alleng/
Name	Allen L. Greenberg
Date	08/01/2007

## NOTICE OF OPPOSITION

French Connection Limited., a United Kingdom company, having a place of business at 39 Camden Street, Centro One, London NW1 0DX ("Opposer"), believes it would be damaged by registration of the mark FCUS ("Applicant's Alleged Mark") for the goods and services in International Class 025 ("Applicant's Goods") claimed by D&T Dowd & Taha Co., Inc. ("Applicant") in application Serial Number 77-003918 (the "Application"), filed September 21, 2006 and published for opposition in the Official Gazette of May 01, 2007 and, by and through its undersigned attorneys, hereby opposes the same.

The grounds for this Opposition are as follows:

1. By the Application, Applicant seeks to register Applicant's Alleged Mark as a mark for Applicant's Goods. The application is based on intent to use and therefore claims no date of first use.
2. Opposer has used in interstate commerce and is and has been at all times pertinent hereto, including since long prior to the filing date of the Application, the owner of all right, title, and interest in and to a family of marks that include the mark "FCUK." Opposer's family of FCUK Marks (collectively, "Opposer's FCUK Marks") include FCUK in International Class 25, FCUK In International Class 03, FCUK in International Classes 09 and 14, FCUK in International Classes 08, 11, 16, 20, 21, 24 and 27, FCUK in International Classes 14, 28 and 35, FCUK in International Classes 35 and 38 and FCUK in International Class 03("Opposer's Goods and Services ").

3. Opposer is the owner of the FCUK Mark which is the subject matter of federal trademark registrations which are in force and effect; namely

Registration No. 2,920,270 issued on January 25, 2005 for the mark FCUK

Registration No. 2,520,614 issued on December 18, 2001 for the mark FCUK

Registration No. 2,772,903 issued on October 14, 2003 for the mark FCUK

Registration No. 2,766,727 issued on September 23, 2003 for the mark FCUK

Registration No. 3,102,906 issued on June 13, 2006 for the mark FCUK

Registration No. 3,128,692 issued on August 15, 2006 for the mark FCUK

Registration No. 2,910,253 issued on December 14, 2004 for the mark FCUK AT HOME

4. Opposer and its predecessors have used Opposer's FCUK Marks for and in connection with Opposer's Goods and Services in interstate commerce in and throughout the United States continuously and extensively since at least as early as 1997.

5. As a result of the widespread and extensive use by Opposer of Opposer's FCUK Marks, Opposer's FCUK Marks are of great value to Opposer in connection with the offering of Opposer's Goods and Services. Opposer's FCUK Marks identify and distinguish Opposer's Goods and Services from the goods, services, and businesses of others, symbolize the goodwill of Opposer's business, and are well-known.

6. As a result of Opposer's use of Opposer's FCUK Marks on and in connection with a wide variety of goods, Opposer's FCUK Marks have become well-known to consumers generally and enjoy widespread recognition.



7. Opposer's FCUK Marks are inherently distinctive and enjoy a substantial degree of acquired distinctiveness. During the past ten years, Opposer and Opposer's related companies have spent substantial amounts to advertise and promote extensively Opposer's expansive line of products bearing Opposer's FCUK Marks, and sales of such products have generated significant revenues. Opposer's FCUK Marks has been used by Opposer and its related companies throughout the United States.

8. Products bearing Opposer's FCUK Marks have been widely offered for sale and sold through numerous different channels of trade, and Opposer's products and Opposer's FCUK Marks enjoy a high degree of recognition throughout the United States and among consumers generally.

9. Upon information and belief, Applicant is unable to establish, with respect to Opposer's use of Opposer's FCUK Mark, priority of use and priority of rights in the United States in connection with Applicant's Alleged Mark.

10. Upon information and belief, Applicant's Goods and Opposer's Goods bearing Opposer's FCUK Marks are related goods, and may be offered, at least in part, to the same, substantially the same or related classes of purchasers.

11. Upon information and belief, Applicant's Alleged Mark, when used in connection with Applicant's Goods, so resembles Opposer's FCUK Marks as to be likely to cause confusion, or to cause mistake, or to deceive with respect to the source of origin of Applicant's Goods, with respect to Opposer's sponsorship thereof or connection or affiliation therewith, and/or in other ways.

12. Opposer would be damaged by registration of Applicant's Alleged Mark because such registration would constitute prima facie evidence of Applicant's exclusive right to use Applicant's Alleged Mark for and in connection with Applicant's Goods, which would be inconsistent with and detrimental to Opposer's prior, established and superior rights in Opposer's FCUK Marks.

13. Applicant's Alleged Mark falsely suggests a connection or affiliation with Opposer, and Applicant is therefore not entitled to registration of Applicant's Alleged Mark.

The Patent and Trademark Office is authorized to deduct the filing fees of \$300, and any other fees necessary in connection with the filing of this Opposition from the deposit account of Duane Morris LLP, Opposer's undersigned counsel, account number 04-1679.

WHEREFORE, Opposer French Connection Limited, respectfully prays that the application of D&T Dowd & Taha Co., Inc., Serial Number 77-003918, filed September 21, 2006, for registration of the mark FCUS for goods in International Class 25 be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.